

REMARKS

The Official Action of March 1st, 1994 from the Examiner has been carefully studied.

1. Against the Examiner's objection to the specification under U.S.C. 112, first paragraph

1.a Cylindrical does not imply circular

Surprisingly the Examiner seems to believe firmly that something which is cylindrical is inevitably circular. It is yet elementary geometry (see only the excellent American Heritage Dictionary that PTO Examiners normally are used to refer to) that cylindrical is characteristic of a surface which is generated by a straight line moving parallel to a fixed straight line and intersecting a plane curve, any curve, not necessarily circular. When this curve is circular (is a circle), it is only a particular case (even a square tube, a rectangular one or a regular rail is cylindrical). Such a confusion is typical of somebody who has been poorly educated to geometry. So the Examiner is invited respectfully to study carefully again geometry in a reliable book because geometry is a very basic part of the technique upon which is based in particular the present invention and a lot of other ones before examining further the corresponding application. Otherwise, his examination might be well worthless because more than knowing that cylindrical does not imply circular might be necessary to really understand an invention.

Regarding the Examiner's assertions that the applicant "has not sufficiently described a support part which is "not" circular, nor has described how the movable arms 2 would be able to be turned into several directions around said support if the support was not circular in section", it seems that the Examiner has not realized that a hollow rail (see substitute specification, p. 10, lines 12-14 or original specification, p.23, lines 1-2) of which the hollow part is provided for driving a tenon piece of an object like an arm which is external to said rail cannot have a circular section. He does not seem to have realized more that with a stirrup forming a loop and secured to an arm side (see substitute specification, p. 10, lines 5-7 or original specification, p.22, lines 23-24), it is possible of hanging the arms into several directions around a square section cylindrical beam as well as on any polygonal section cylindrical beam. Unless the Examiner has overlooked the specifications, this assertion reveals a bit more unfamiliarity with solid geometry.

It is on purpose that "circular or not" has been added to cylindrical in the specification and in the claims 1-2 to make clear that it is the geometrical definition of cylindrical which has been selected and not the simplistic notion of what is cylindrical for poorly educated persons in technique.

1.b Arms being removable is by far no new matter by the original specification. When the examiner affirms straight that "there is no support in the -original- specification as to how the arms are able to be removed", he seems to be exaggerating. Would he have not noticed that when the device according to the invention is first introduced page 5, lines 10-22 of said original specification, the arms are specified as movable and removable along the support part and no stop is provided for the ends of said support part? As the arms are movable along said support part and this one is cylindrical (which implies that its cross section has the same external shape all along its length), when there

are no stop at the ends (even at only one end) of the support part what could prevent from removing the arms from the support part? The last one cannot be infinitely long unless coming from unreality.

When the stops are first introduced later on page 21, lines 10-13, of same original specification, to prevent the movable arms from escaping out of the support part because of gravity when they are not locked on said support part by clamping, there is a reinforcement of the idea that without a stop an arm can slip out of the support part.

Moreover, page 23, paragraph made out of lines 3-23, it is further explained of what a stop can be made. It is difficult to believe that an Examiner who is supposed to be a technically competent person might not know that a clips, a rider, a pin or a key are just purposely made to be easily removed. And when within this paragraph is considered that a stop can be as well made out of a section of supple tubular sheath slipped on at one end of the support part by a gentle forcing, this sheath being selected so that it could keep its elasticity in the long run, why the Examiner could surmise that such a stop could not be slipped out of the support part by the same gentle forcing which has been used for slipping it on? And of course, once the stops have been removed which prevents the arms from being removed too?

It is the same when the Examiner asserts further on that there is no more support in the context of the present claims for claiming this removable feature: only inside present and original claims 1 and 2, there is the same context than the one which has been used for introducing first a device according to the invention page 5 of the original specification: and in addition by combination no stop and movable arms along a cylindrical support part is just a logical redundancy of removability.

As a consequence of the very apparent lack of seriousness of the present objection, nothing has been changed in the specification.

2. Against the Examiner's rejection under U.S.C. 112, first paragraph, of the claims in view of the assertions used by the Examiner for objecting to the specification.

For the reasons which have been set out above, nothing has been changed in the claims in view of these assertions.

3. Regarding the Examiner's rejection of the claims under U.S.C. 112, second paragraph

All the suggestions and remarks of the Examiner have been taken into account for amending the claims. New claims 11-14 have been proposed to be inserted for covering the possibilities which led to an indefinite claim language and to claim the extension in a row by a coupler in conformity with the description (see new claim 11).

4. Against the Examiner's rejection of the claims under 35 U.S.C. 103

1. Examiner's interpretation beyond their scope of references Neff, Thornton and Ditto for rejecting claims 1-3

First as regards reference Thornton, when the Examiner maintains that Thornton's pads provide a clamping⁽¹⁾ feature, he is completely overlooking Thornton's embodiment 10''. If these pads would have an essential role of providing a clamping force, why such a pad should be replaced by an alligator-serrated gripping member 238 in said embodiment? The clamping force would be reduced when

(1) see footnote (1) page 8 of the present paper

much force is necessary to clamp a pipe. These pads have only a role of protection. Besides Thornton recognizes the fact himself when he describes page 5, line 55, the remaining pad 256 as a "concomitant different protection". Thus reference Thornton appears to be irrelevant.

As concerns reference Neff, when the Examiner asserts that the applicant has not provided no reasoning as to why it is critical that the arms of the invention are "removable", the Examiner is invited to read "again" in particular page 6, lines 12-41, of the substitute specification or the corresponding text of the original specification. This assertion proves once more that the Examiner has only skimmed through said specifications. Already, from page 2, line 46 to page 3, line 4, of the same substitute specification, the advantage of the removability is announced. Otherwise how could the Examiner reverse the arms for building a holder apart, or generally build the overlapper, the various helping hands, could extend the clamping capacity with a connector. If the stops would not be removable, i.e. the arms, such buildings would be a burden. When the Examiner maintains that in Neff, the arms are removable, he is bringing no evidence of that. Would he be confusing movable and removable as he is doing for cylindrical and circular? It is clear that the arms in Neff are movable. But that's all. It is difficult to go beyond. It is impossible on the Neff's drawings to identify what kinds of stops have been provided. Anyway Neff has not even slightly mentioned the advantage of having arms or stops removable, for instance for turning the clamp into a holder apart and however a holder apart is as much important as a clamp. With a clamp, it is impossible of pressing inside a recess and God knows how many recesses there are in furnitures, models, aircrafts, boats, cars and so on. With a holder apart, it is possible to do that and that saves a lot of time: when someone has to press inside a recess, he has to find a stay and wedges of appropriate dimensions and that might be time consuming because it is rare that such a stay and wedges would be available at once. No more Ditto has mentioned such an advantage. And in addition, an evidence that the end cap 32 in Ditto is non-removable is easy to get: the clamps according to Ditto are sold wrapped into a hermetic plastic blister. It is enough to buy a new one. If the end cap 32 is found to be stuck on its supporting rod when the blister is open, that gives a strong presumption that Ditto has really not thought at all to such an advantage. It is under such a blister wrapping that the applicant has bought his own new clamp according to Ditto. The Examiner might consider the present paper as an affidavit of that. Anyway with a fixed arm, it would have been impossible to reverse the arms of a clamp according to Ditto for building an holder apart. If the stops would have been removable in Neff, a holder apart could have been built but not with a Ditto's clamp. Would Ditto's end caps have been or not removable would have made no difference as for the interest of a clamp according to Ditto. On the contrary as there is no advantage to remove the movable arm in Ditto, it is useful that this end cap 32 would be non-removable to prevent once for all this arm of falling when the supporting rod is kept upright. The removability of the stops in the present invention has on purpose a real function: to allow to build very easily additional tools, such as a holder apart, an overlapper or new helping hands. In Ditto, it would have none.

Moreover, not only it is not sure that the arms in Neff could have been

removable, but when the Examiner evokes the possibility of using the second arm 14, 16 for replacing an arm of a device according to the present invention for clamping by "manually" moving, he seems to overlook two further characteristics of Neff. What would be the role of part 16? To make noise when the arms are not clamped? Unless the part 16 is prevented to be loose because the Examiner keeps also the part 18? Where the Examiner plans to slip a ring buffer on part 14 or part 16? The Examiner is earnestly invited to answer the preceding questions. Anyway keeping part 16 would add an additional means quite useless and possibly awkward in the so-called reconstruction of a device according to claims 1-3. Why the Examiner do not take two times the arm 12? Would that be exaggerating shopping? In addition, has the Examiner fully realized that hands or fingers might be harmed by pinching between the two parts 14, 16 when the arms would be manually moved? The arm 14, 16 of Neff has obviously not been designed to be manually moved but with the help of the handle 18. So reference Neff is no more relevant than references Ditto and Thornton.

2. Misunderstanding by the Examiner regarding the reference Berna EPO 0080960 for rejecting claims 4-6

Even if the reference Berna EPO 0080960 patent qualifies as prior art, it does not teach the purpose of devices according to claims 4-6. The purpose of these devices is not what seems to be believing the Examiner: "to hold more than one object at a time". It is a little too simplistic to think that because there are several jaws, several separate objects could be held at a time. Should it be, there wouldn't be no invention. In fact, a device according to claim 4 is only made to hold one object or one set of objects clamped against each other and not several separate objects at a time. It has been described at great length in the substitute specification from page 4, line 25 to page 5, line 17 and again page 11, lines 30-49. But apparently the corresponding paragraphs have escaped the Examiner as well as the corresponding texts in the original specification. The purpose of such a device, which is called an overlapper or a super-assembler, is indeed of reinforcing the clamping force by a factor which is higher than the factor by which the number of jaws is multiplied and also of clamping upon difficult shapes (see the figure 5 of the present application and the enclosed photograph of an overlapper clamping on a gilded console). But this purpose is not at all of clamping several objects separately. Devices according to claims 5 and 6 comprising only six arms are also unsuitable for clamping several objects separately. These devices have also been longly described from page 5, line 18 to page 6, line 11 and in addition page 12, lines 4-26. But as for the overlapper, the corresponding paragraphs have unfortunately escaped the Examiner's vigilance as well as the corresponding texts in the original specification. And however as for the overlapper, figures (6 and 7) have been provided for. The devices according to claims 5 and 6 are quite new helping hands and in these devices 4 arms are used to provide an auxiliary support and not a directly useful clamping. In claim 6, two pairs of arms are even clamped upon nothing to provide two feet and in claim 5, four arms are arranged as an overlapper to hold any bench or table to provide a firm foot. So it is clear that reference Berna EPO 0080960 patent is quite irrelevant. That is not because it would teach how to hold at a time two (at the maximum) objects or sets of objects clamped against each other that it could teach an overlapper or new 6-

arms helping hands which can hold only one object or set of objects clamped against each other. Of course, when these new helping hands comprise more than 6 arms, they might hold several separate objects at a time as on Fig. 7, but the corresponding holding pairs are not connected to each other by a link as in said reference and there is no limitation as for their number.

3. Piecemeal and aggregation.

When the Examiner puts forward that the "applicant has argued the rejections by piecemeal analysis of the references", he does not seem aware that the way he is rejecting the claims under 35 U.S.C. 103 is nothing but piecemeal reconstruction. What the Examiner might hope under these circumstances? It is like the pot would be calling the kettle black.

Every ground of rejection has been responded to in accordance with 37 C.F.R. 1.111. Hence favorable reconsideration and allowance of amended claims 1-10 and new claims 11-14 are petitioned with deference.

Respectfully submitted

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Encl: 1 photograph.

Footnote (1): It is not because Thornton has called these pads "clamping pads" that they can exert a force. Besides I might have called Thornton's pads "clamping pads" myself because they are used in the clamping process. Indeed clamping is simply a general term for designating an action or the result of such an action: holding by pressing one or several objects together. It is normal that all means used for and during this action or this state might be denominated "clamping". But as a matter of fact as Thornton makes it clear page 5, line 55, these pads have a function of protection. They have the same function than have the pads ~~of which~~ with which are equipped the "paws" of the "spring clamps" which can be bought in the USA since decades and in particular now under the trademark "Pony" from the ADJUSTABLE CLAMP CO. (Chicago Ill. 60622) in big "Wal Mart" supermarkets. But as in Thornton, there is in the spring clamps a force means which is a strong spring (besides Thornton's device is nothing else than an improvement of the classical spring clamps). It is quite different from the present invention where there is no force means but the buffers.

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